IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

CRL.A.No. 436 of 1999()

CC.509/1994 of CHIEF JUDL.MAGISTRATE COURT, ERNAKULAM

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APPELLANT/COMPLAINANT:

T.N.PILLAI, S/O. NARAYANA PILLAI,
M.I.G.-108, GANDHI NAGAR, ERNAKULAM.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS/ACCUSED & STATE:

1.JESSY RASQUINHA, W/O. PETER RASQUINHA,
C 12 NELSON COURT, NELSON MANICKAN ROAD,
AMINJIKARI, MADRAS - 29.

2.STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. PUZHAKKARA MOHAMMED - R2

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.THANKAPPAN, J.

CRL. APPEAL NO.436 OF 1999

Dated this the 4th day of October, 2007

JUDGMENT

This appeal is filed against the judgment in C.C. No.509 of 1994 on the file of the Chief Judicial Magistrate's Court, Ernakulam.

2. It was alleged in the complaint that the accused - first respondent herein committed offence punishable under Section 138 of the Negotiable Instruments Act, 1881. After considering the evidence adduced by the complainant, the trial court found the accused not guilty and acquitted her. It is reported that the appellant expired during the pendency of the appeal. Inspite of the fact that the matter has been intimated to the legal heirs of the deceased appellant, they have not taken any steps to get themselves impleaded. It appears that the legal heirs are not interested to continue the prosecution against the accused - first respondent.

In the above circumstances, the Crl. Appeal is dismissed, confirming the judgment of the trial court.

(K.THANKAPPAN, JUDGE)

sp/

K. THANKAPPAN, J.

CRL.A. NO.436/1999

JUDGMENT

4TH OCTOBER, 2007